

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KEVIN BURTON,

Plaintiff,

No. C 07-4967 PJH (PR)

vs.

**ORDER GRANTING LEAVE  
TO PROCEED IN FORMA  
PAUPERIS**

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION, et al.,

Defendants.

Plaintiff's application for permission to proceed in forma pauperis (document number 3 on the docket) is **GRANTED**. The total filing fee that ultimately will be due is \$350.00. In view of plaintiff's income and account balance, he shall pay a partial initial filing fee of \$5.20 within thirty days of the date this order is entered. If he does not pay either the partial initial filing fee or the full fee within the time allowed, the case will be dismissed without prejudice.

Funds for the remainder of the filing fee will be taken from income to plaintiff's account in accordance with 28 U.S.C. § 1915(B)(1). A copy of this order and the attached instructions will be sent to the plaintiff, the prison trust account office, and the court's financial office.

**IT IS SO ORDERED.**

Dated: June 6, 2008.

  
PHYLLIS J. HAMILTON  
United States District Judge

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3 **UNITED STATES DISTRICT COURT**  
4 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

5 **INSTRUCTIONS FOR PAYMENT OF PRISONER'S FILING FEE**

6 The prisoner shown as the plaintiff or petitioner on the attached order has filed a civil action  
7 in forma pauperis in this court and owes to the court a filing fee. Pursuant to 28 U.S.C. §  
1915, the fee is to be paid as follows:

8 The initial partial filing fee listed on the attached order should be deducted by the  
9 prison trust account office from the prisoner's trust account and forwarded to the  
10 clerk of the court as the first installment payment on the filing fee. This amount is  
11 twenty percent of the greater of (a) the average monthly deposits to the prisoner's  
account for the 6-month period immediately preceding the filing of the  
complaint/petition or (b) the average monthly balance in the prisoner's account for  
the 6-month period immediately preceding the filing of the complaint/petition.

12 Thereafter, on a monthly basis, 20 percent of the preceding month's income credited  
13 to the prisoner's trust account should be deducted and forwarded to the court each  
14 time the amount in the account exceeds ten dollars (\$10.00). The prison trust  
account office should continue to do this until the filing fee has been paid in full.

15 If the prisoner does not have sufficient funds in his/her account to pay the initial partial filing  
16 fee, the prison trust account office should forward the available funds, and carry the  
balance forward each month until the amount is fully paid.

17 If the prisoner has filed more than one complaint, (s)he is required to pay a filing fee for  
18 each case. The trust account office should make the monthly calculations and payments  
for each case in which it receives an order granting in forma pauperis and these  
instructions.

19 **The prisoner's name and case number must be noted on each remittance.** The initial  
20 partial filing fee is due within thirty days of the date of the attached order. Checks should  
be made payable to Clerk, U.S. District Court and sent to Prisoner Accounts Receivable,  
U.S. District Court, 450 Golden Gate Avenue, Box 36060, San Francisco, CA 94102.

21 cc: Plaintiff/Petitioner  
22 Finance Office  
23  
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